

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

THE WAVE STUDIO, LLC

Plaintiff	Case Number 21-cv-2691
vs.	
BOOKING HOLDINGS INC.; AGODA COMPANY PTE, LTD.; AGIP LLC; BOOKING.COM B.V.; BOOKING.COM (USA) INC.; ROCKET TRAVEL, INC.; and MOMONDO A/S,	
Defendant	

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

THE WAVE STUDIO, LLC

Plaintiff	Case Number 13-cv-09239-CS
vs.	
GENERAL HOTEL MANAGEMENT LTD.; [Continued on Schedule A hereto.]	
Defendant	

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

☒

Open

(If so, set forth procedural status and summarize any court rulings.)

In the earlier filed case, *The Wave Studio, LLC v. General Hotel Management Ltd., et al.* (the “GHM Action”), on March 10, 2017, the Court granted General Hotel Management, Ltd. (“GHM”)’s motion for summary judgment [Dkt. No. 209] on *forum non conveniens* grounds so that GHM and Plaintiff could continue this litigation in in Singapore in order to resolve the question of ownership of the copyrights underlying the works that are at the center of the GHM Action (the “Singapore Action”). At the same time, the Court stayed Plaintiff’s claims against the remaining defendants and any cross-claims between the defendants, pending the resolution of the Singapore Action. The GHM Action is the lead case for several other member and/or related cases: 14-cv-08322-CS, 15-cv-03420-CS, 15-cv-04953-CS, 15-cv-05392-CS, 15-cv-05960-CS, 15-cv-05962-CS, 15-cv-06995-CS, 15-cv-07950-CS, and 17-cv-03589-CS (the “Parallel Cases”), brought by Plaintiff against various defendants, alleging copyright infringement claims involving the same copyrighted works and copyright registrations, although in the interests of judicial efficiency, Plaintiff has only filed this Related Case Statement with respect to the lead case, the GHM Action. The Court has similarly ordered that these Parallel Cases be stayed pending the resolution of the Singapore Action. The Singapore Action remains pending, and is progressing towards a resolution. *Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.*

The newly filed case, *The Wave Studio, LLC v. Booking Holdings, Inc., et al.*, (the “Booking Holdings Action”), is related to the GHM Action. Both actions have been brought by the same Plaintiff, The Wave Studios, LLC, concerning the same or substantially similar transaction or events. Both actions allege that defendants, the majority of which are internet travel websites for booking hotels, published Plaintiff’s copyrighted work, photographs of hotels. Both actions are based on the same or similar group of copyright registrations and the same or similar set of copyrighted works.

There is overlap of the factual and legal issues in both cases. For example, the issue of ownership of the copyrights is the same in both cases (which is currently being adjudicated in the Singapore Action). Moreover, the Booking Holdings Action addresses issues concerning copyright infringement by entities affiliated with Booking Holdings, Inc.; for example, one of the defendants in the GHM Action, Kayak Software Corporation d/b/a KAYAK.com, is a subsidiary of Booking Holdings. The defendants in the Booking Holdings Action may assert similar defenses as the defenses raised in the GHM Action – e.g., that they obtained, or believed that they obtained, a license to use the copyrighted photographs from GHM or the hotels at issue.

[Continued on Schedule B hereto.]

Signature: s/Brett D. Katz

Date: March 29, 2021

Firm: Browne George Ross O’Brien Annaguey & Ellis LLP

SCHEDULE A TO RELATED CASE STATEMENT

VFM LEONARDO, INC; PEGASUS SOLUTIONS, INC.; ABOUT, INC. d/b/a ABOUT.COM; ALLIANCE RESERVATIONS NETWORK d/b/a RESERVETRAVEL.COM; BUDGETWORKS, INC. d/b/a SETAICONDORENTALS.COM; DELTA AIRLINES d/b/a DELTA.COM; ESSLINGER WOOTEN MAXWELL, INC. d/b/a NELSONGONZALEZ.COM; JETBLUE AIRWAYS CORPORATION d/b/a JETBLUE.COM; FROMMER MEDIA d/b/a FROMMERS.COM; LEXYL TRAVEL TECHNOLOGIES d/b/a HOTELPLANNER.COM; IBT MEDIA INC. d/b/a IBTIMES.COM; MYSOBE.COM d/b/a MYSOBE.COM; KAYAK SOFTWARE CORPORATION d/b/a KAYAK.COM; NETADVANTAGE.COM d/b/a IHSADVANTAGE.COM; ORBITZ WORLDWIDE LLC d/b/a ORBITZ.COM; QUESTEX MEDIA LLC d/b/a FIVESTARALLIANCE.COM; CEDORA, INC. d/b/a REALADVENTURES.COM; SETAI OWNERS LLC d/b/a SETAI.COM d/b/a SETAI-REALTY.COM; SPA FINDER, INC. d/b/a SPAFINDER.COM; THE LEADING HOTELS OF THE WORLD d/b/a LHW.COM; THIS EXIT LLC d/b/a ROADSIDEAMERICA.COM; ROOM77 d/b/a ROOM77.COM; EXPEDIA, INC d/b/a EXPEDIA.COM; HOTELS.COM GP LLC d/b/a HOTELS.COM d/b/a TRAVELNOW.COM; RESERVATION COUNTER d/b/a RESERVATIONCOUNTER.COM; AMERICAN AIRLINES, INC. d/b/a AAVACATIONS.COM; UNITED AIRLINES INC. d/b/a HOTELS.UNITED.COM; HOTELSBYME.COM d/b/a HOTELSBYME.COM; SIGNATURE TRAVEL NETWORK d/b/a SIGNATURETRAVELNETWORK.COM; FROSH INTERNATIONAL TRAVEL, INC. d/b/a FROSHVACATIONS.COM; VACATIONS BY TZELL d/b/a VACATIONSBYTZELL.COM; ANDREW HARPER d/b/a ANDREWHARPER.COM; BOOKIT.COM INC d/b/a BOOKIT.COM; ESCALA VACATIONS d/b/a ESCALAVACATIONS.COM; FAREBUZZ d/b/a FAREBUZZ.COM; FAREPORTAL INC d/b/a CHEAPOAIR.COM; RANDOM HOUSE d/b/a FODORS.COM; GETAROOM.COM d/b/a GETAROOM.COM; GOGOBOT, INC. d/b/a GOGOBOT.COM; HIPMUNK, INC. d/b/a HIPMUNK.COM; HOTELGUIDES.COM, INC. d/b/a HOTELGUIDES.COM; MARKET ES INC. d/b/a HOTELS-AND-DISCOUNTS.COM; HOTELSTRAVEL.COM d/b/a HOTELSTRAVEL.COM; ESTEBAN OLIVEREZ d/b/a INSANELYCHEAPFLIGHTS.COM; LUXEMONT d/b/a JUSTLUXE.COM; LONELY PLANET GLOBAL, INC. d/b/a LONELYPLANET.COM; LUXE TRAVEL, LLC d/b/a LUXETRAVEL.COM; LUXURY TRAVEL MEDIA d/b/a LUXURYTRAVELMAGAZINE.COM; METRO TRAVEL GUIDE d/b/a METROTRAVELGUIDE.COM; MOBISSIMO INC. d/b/a MOBISSIMO.COM; NEXTAG, INC. d/b/a NEXTAG.COM; QANTAS AIRWAYS LIMITED d/b/a QANTAS.COM.AU; QATAR AIRWAYS d/b/a QATARAIRWAYS.COM; JOE MAZZARELLA d/b/a ROOMRATE.COM; WK TRAVEL INC. d/b/a TRAVELSPOT.US d/b/a ONETRAVEL.COM; TRAVELOCITY.COM LP d/b/a TRAVELOCITY.COM; TRIPADVISOR LLC d/b/a TRIPADVISOR.COM; TABLET INC d/b/a TABLETHOTELS.COM; and DOES 1-100.

SCHEDULE B TO RELATED CASE STATEMENT

The GHM Action is also, as stated above, the lead case for a number of other related cases, wherein Plaintiff alleges defendants, the majority of which are internet travel websites for booking hotels, published Plaintiff's copyrighted works, including photographs of hotels. All of these actions are based on the same or similar group of copyright registrations and the same or similar set of copyrighted works. As a result, there is a risk of conflicting orders and duplication of effort if Plaintiff is required to prove ownership of the copyrights, which would involve the same witnesses and facts. In addition, due to the significant number of copyright registrations and copyrighted works at issue in the GHM Action, the Parallel Actions, and the Booking Holding Action, it would be more efficient for one judge to oversee all of these actions. As a result, the interests of justice and efficiency will be served if the cases are deemed related to each other.